

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1191/92

Transfer Application No:

DATE OF DECISION 27-11-92

Shri K.T.Lodhi Petitioner

Shri S.P.Saxena Advocate for the Petitioners

Versus

Union of India Through Respondent
Southern Command, Pune

Shri R.K.Shetty Advocate for the Respondent(s)

CORAM:

The Hon'ble ~~Shri~~ Ms. Usha Savara, Member(A)

The Hon'ble Shri

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Usha Savara
(Ms. Usha Savara)
Member(A)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
BOMBAY

O.A. 1191/92

Shri K.T.Lodhi

...

Applicant

(3)

vs

Union of India
Through Southern
Command, Pune

...

...

Respondent

Coram: Hon'ble Ms. Usha Savara, Member(A)

Appearance:

Shri S.P.Saxena Adv.
for the applicant

Shri R.K.Shetty,Adv.
for the respondents.

Dated: 27-11-92

Tribunal's Order

(Per: Hon'ble Ms.Usha Savara, Member(A)

This application has been made against the transfer order dated 18-5-1992 transferring the applicant to the Office of G.E.(NW) Vasco . Shri Saxena appearing for the applicant states that the applicant is having one grown up unmarried daughter, dependent on the applicant and ^{an} mentally retarded child. She is also bed ridden. He has filed certificate from Dr. V.G.Watve, ~~Psychiatrist~~, Poona Hospital and Research Centre in which it is stated that the medical facilities ^{of} the type required for the treatment ~~severe~~ ^{of} ~~mental diseases~~ are not available at Vasco(Goa).

Shri Saxena has drawn my attention to the guidelines for posting of Government employees who have mentally retarded children. These guide-lines ~~dated~~ dated 15-2-91 recommended that the any employed parent

of mentally retarded children should be given a choice of the place of posting which is likely to be of some help to the parent in taking care of such a child. The Ministries and departments were specially requested to take sympathetic view on merits of each case and accommodate such requests for posting to the extent possible.

Shri Shetty learned counsel for the respondents submitted that the representations of the applicant were duly considered and have been rejected. It appears that the authorities are not satisfied about the seriousness of the mental illness of the daughter of the applicant.

In the circumstances, it would be fit and proper if the Medical Board or any Psychiatrist whom the respondent may engage for this purpose, would examine the daughter, Miss Sunita, for the express purpose to find out whether she is suffering from the "PSYCHOSIS AND MENTAL RETARDATION WITH HYPOTHYROIDISM AND MUCOPOLYSACCHAROIDESIS". Once the authorities are satisfied about this, they may consider the applicant's case and give him a station of his choice, if it is not possible to allow him to continue at Pune. This exercise will be completed within two weeks from the date of the receipt of this order. The necessary orders of posting by the competent authorities would be communicated to the applicant within this period. In case the applicant's case is not found to be genuine, that the posting orders already passed shall be operative.

It is suggested by Shri Saxena counsel for the applicant that if the posting can be around Pune, Ahmednagar or Bombay, then the applicant would be able to get his daughter treated by the same Psychiatrist as she has shown

some improvement. The respondent may keep this in mind and consider the applicant's request with sympathy. A copy of this order may be handed over to Shri R.K.Shetty. The applicant will not be moved within this period.

The O.A. is disposed of at the admission stage itself. There will be no order as to costs.

U. Savara
(Ms. Usha Savara)
Member(A)